

12/12/05 - (5)

TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 264-9612
Fax (978) 264-9630

Don P. Johnson,
Town Manager

November 17, 2005

Mr. Gerard Sullo
62 Maple Street
Acton, MA 01720

Subject: Nuisance Dog Hearing

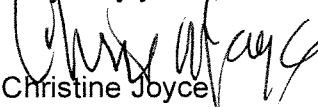
Dear Mr. Sullo:

Over the past several years the Town of Acton, through its Police Department and the Dog Officer, has received and responded to numerous complaints concerning two German Shepherd dogs you own and house at 62 Maple Street, Acton. The Police Chief and the Dog Officer believe these dogs to be a nuisance by reason of vicious disposition and both have requested that the Board of Selectmen conduct a hearing under the provisions of Massachusetts General Laws, Chapter 140, s. 157, to determine whether the Board will issue an order concerning the restraint or disposal of these dogs, as may be deemed necessary. Copies of the complaints from the Police Chief and Dog Officer, as well as a copy of Massachusetts General Laws, Chapter 140, s. 157, are attached for your information.

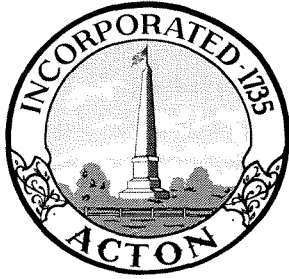
In accordance with the requests of the Police Chief and Dog Officer, the Board of Selectmen will conduct a hearing on this matter at 8:15 PM on December 12, 2005, in the Francis Faulkner Hearing Room on the third level (Floor #2) of Town Hall. The Board of Selectmen has ordered that you appear before the Board at that time and show cause as to why the Selectmen should not order the restraint or disposal of these dogs.

Please call me at the Town Manager's Office, (978) 264-9612, at your earliest convenience to confirm your availability for this hearing. If you have any questions prior to December 12, please feel free to call. You may also e-mail me at cjoyce@acton-ma.gov, if that would be more convenient.

Very truly yours,


Christine Joyce
Town Manager's Office

Cc: Police Chief
Dog Officer
Direct Abutters
Residents of Maple/Martin Street Neighborhood
Board of Selectmen ✓



TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 264-9612
Fax (978) 264-9630

Don P. Johnson
Town Manager

November 28, 2005

[Form letter to neighborhood]

Dear:

Enclosed please find a notice to the resident(s) of 62 Maple Street, Acton, concerning a hearing the Board of Selectmen will conduct on December 12, 2005, with respect to complaints that two German Shepherd dogs, kenneled at this address, constitute a nuisance by reason of vicious disposition. Town records indicate that this may be a matter of considerable interest to those living in the vicinity of 62 Maple Street. Accordingly, the Selectmen have specifically requested that abutters and residents of the neighborhood be notified of this opportunity to attend and participate in the hearing and/or submit written statements in advance. If you are unable to attend but wish to submit a written statement, please insure that your statement reaches the Town Manager's Office no later than the close of business on Thursday, December 8, 2005

Very truly yours,

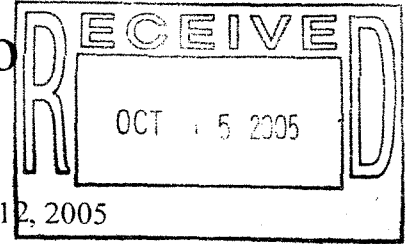
Christine M. Joyce
Town Manager's Office

FYI
Police Chief, Dog Officer

BoS
14/01 (11)

Acton Police Department

InterDepartmental Memo



From: Frank J. Widmayer, Chief of Police

Date: October 12, 2005

To: Don Johnson, Town Manager

Subj: Nuisance dog complaint

I have received a written complaint from Tack Palmer, Dog Officer for the Town of Acton. He has responded numerous times over the past several years to the Maple Street area in order to contain two dogs owned by Gerard Sullo of 62 Maple Street, Acton. Two of the past incidents were dog bites and another recent incident involved two of the dogs loose again. Subsequently one was involved in an attack on an Acton Police Officer. Contrary to Tack's statement in his complaint, the dog that attacked the officer did not bite her pants. Nevertheless, these dogs are aggressive and menacing and residents are afraid to be near them. My officers felt there was enough danger in this situation that they called the dog officer out of his house after midnight to control the problem.

I am requesting that the Board of Selectmen call in Mr. Sullo for a hearing on this dog nuisance complaint and then to take whatever action they deem appropriate. I agree with Dog Officer Palmer that prior attempts to handle this situation have had no effect.

A handwritten signature in dark ink, appearing to read "Frank J. Widmayer".

Frank J. Widmayer
Chief of Police

Tuesday, October 11, 2005

Acton Police Chief
365 Main Street
Acton, MA 01720

Frank, per our conversation of Tuesday October 11, 2005, I have compiled the numerous dog related incidents pertaining to the 2 German Shepherds owned by Jerry Sullo of 62 Maple Street Acton.

On 3 occasions Mr. Sullo has been fined for his dogs roaming off his property and creating a nuisance.

3/17/04, 4/26/04, 10/1/05

Other complaints have been registered in the past 2 years about German Shepherds in the South Acton area but could not be directly tied to the Sullo dogs.

2 dog bite incidents have been logged against Jerry Sullo in the past 2 years with quarantine orders being issued against his 2 Shepherds.

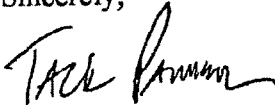
6/19/03, 4/26/04

On the night of 10/1/05 at 12:15am, I received a call from an Acton 911 dispatcher requesting help with 2 vicious dogs that were terrorizing the Maple Street neighborhood. Upon my arrival, I met with 2 Acton police officers that had both seen the dogs running on Maple Street in a vicious manor. One officer stated that the shepherds in question had attacked her and her pants had been bitten. She had to spray the dog with pepper spray to get the dog to retreat.

The dogs then retreated to the Sullo home where I secured 2 open glass doors so that they could not again exit the residence. The owners were not home at the time of this incident.

To prevent future incidents like the above mentioned, I am requesting that this be brought to a Selectmen's hearing to solve this ongoing neighborhood problem.

Sincerely,



Tack Palmer
Acton Dog Officer/Animal Inspector

GENERAL LAWS OF MASSACHUSETTS

PART I. ADMINISTRATION OF THE GOVERNMENT

TITLE XX. PUBLIC SAFETY AND GOOD ORDER

CHAPTER 140. LICENSES

DOGS

Chapter 140: Section 157 Vicious dogs; nuisance; barking or other disturbance; annoyance to sick person; attacks on other dogs

Section 157. If any person shall make complaint in writing to the selectmen of a town, the officer in charge of the animal commission or person charged with the responsibility of handling dog complaints of a city, or the county commissioners, that any dog owned or harbored within his or their jurisdiction is a nuisance by reason of vicious disposition or excessive barking or other disturbance, or that any such dog by such barking or other disturbance is a source of annoyance to any sick person residing in the vicinity such selectmen, officer in charge of the animal commission or person charged with the responsibility of handling dog complaints or county commissioners shall investigate or cause to be investigated such complaint, including an examination on oath of the complainant, and may make such order concerning the restraint or disposal of such dog as may be deemed necessary. Within ten days after such order the owner or keeper of such dog may bring a petition in the district court within the judicial district of which the dog is owned or kept, addressed to the justice of the court, praying that the order may be reviewed by the court, or magistrate thereof, and after such notice to the officer or officers involved as the magistrate deem necessary the magistrate shall review such action, hear the witnesses and affirm such order unless it shall appear that it was made without proper cause or in bad faith, in which case such order shall be reversed. Any party shall have the right to request a de novo hearing on the petition before a justice of the court. The decision of the court shall be final and conclusive upon the parties. Any person owning or harboring such dog who shall fail to comply with any order of the selectmen, officer in charge of the animal commission or person charged with the responsibility of handling dog complaints, county commissioners or district court, as the case may be shall be punished by a fine of not more than twenty-five dollars for the first offense and not more than one hundred dollars for a second or subsequent offense, or by imprisonment for not more than thirty days, for the first offense and not more than sixty days for a second or subsequent offense, or both.

The act of a dog in attacking or biting another dog or other animal may be made the subject of a complaint under the provisions of this section.

Magistrates shall exercise their authority hereunder subject to the limitations of section sixty-two C of chapter two hundred and twenty-one.

Return to:

**Acton Police Department
Incident Report**

October 12, 2005

Wednesday 11:00

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
I0310919 9 No No	CALL FOR SERVICE 54 MAIN ST Cross: PINE ST @50 2 FARLEY LA @55 ACTON, MA, 01720 (01) REPORT	CAMPBELL	06/19/2003, 07:32 06/19/2003, 07:35 06/19/2003, 07:50 06/19/2003, 07:56	MERRILL LAWTON DOG BITE ANIMAL PROBLEM CT: MERRILL

Reported as: ANIMAL PROBLEM Found as: ANIMAL PROBLEM
Domestic-Abuse: No

Dispatcher Remarks:

RESIDENT OF THE ABOVE REPORTS BITEN BY A DOG AT 62 MAPLE ST. 70KC RESPONDED,
KIM PALMER ADVISED AND WILL NOTIFY DOG OFFICER.

REPORTER THOMPSON, KIRSTEN J. License: None
(Female) 54 MAIN ST
M0302602 ACTON MA 01720
Phone: 978- [REDACTED] Race: U DOB: None Recorded
Commt: RPT'D BITEN BY A DOG

PROP-OWNR SULLO, GERARD S License: [REDACTED] (MA)
(Male) 62 MAPLE ST SSN: [REDACTED]
M8903671 ACTON MA 01720
Phone: 978- [REDACTED] Race: WHI DOB: [REDACTED] Age: [REDACTED]
Commt: HOME OWNER OF DOG WHO BIT JOGGER

Narrative(s):

Narr. 1: PTL. KEITH CAMPBELL Division: None Status: Open [I0310919]
Title: INCIDENT REPORT Entered: PTL. KEITH CAMPBELL
Reviewed: No officer

ON THE ABOVE DATE AND TIME I SPOKE WITH KIRSTEN THOMPSON OF 54 MAIN ST WHO REPORTED SHE HAD BEEN BITTEN BY A DOG WHILE JOGGING ON MAPLE ST. THOMPSON STATED THAT AS SHE WAS RUNNING BY 62 MAPLE ST, TWO DOGS RAN FROM THE YARD INTO THE STREET AND BEGAN CHASING HER. THOMPSON SAID SHE WAS VERY FRIGHTENED BECAUSE THE DOGS WERE QUITE AGGRESSIVE. SHE SAID THAT SHE BEGAN TO RUN AWAY FROM THEM AT WHICH TIME ONE OF THE DOGS, SHE DESCRIBES AS BEING SIMILAR TO A GERMAN SHEPHERD, BIT HER ON THE RIGHT LEG AROUND THE CALF. SHE POINTED OUT THE INJURED AREA WHERE THE SKIN HAD BEEN BROKEN AND SWELLING HAD OCCURRED. THOMPSON EXPLAINED THAT AFTER SHE WAS BITTEN, THE DOG'S OWNER CONFRONTED HER STATING SHE WAS AT FAULT FOR RUNNING AWAY IN THE MANNER SHE DID. BECAUSE SHE DID NOT WANT TO CONTINUE THIS DISPUTE WITH THE DOG STILL AROUND SHE CONTINUED HOME WHERE SHE CONTACTED THIS DEPARTMENT. I ADVISED HER TO SEE A PHYSICIAN REGARDING THE BITE WHICH SHE AGREED SHE WOULD. I ALSO CONTACTED THE DEPARTMENT DOG OFFICER, TACK PALMER WHO WILL BE FOLLOWING UP ON THE INCIDENT. I THEN WENT TO THE RESIDENCE AT 62 MAPLE, OWNED BY GERALD SULLO, BUT NOBODY WAS AT THE RESIDENCE AT THE TIME.

Acton Police Department
Incident Report

October 12, 2005

Wednesday 11:00

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
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Narrative 1 (continued) By: PTL. KEITH CAMPBELL Incident I0310919

PTL KEITH EDWARD CAMPBELL

**Acton Police Department
Incident Report**

October 12, 2005

Wednesday 11:00

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
I0404695 1 No No	CALL FOR SERVICE 58 MAPLE ST Cross: STOW ST @24 ACTON, MA, 01720 (01) REPORT	CAMPBELL	03/17/2004, 12:29 03/17/2004, 12:34 03/17/2004, 12:34 03/17/2004, 12:54	ANTONELLI LAWTON DOG BITES ANIMAL PROBLEM CT: ANTONELLI

Reported as: ANIMAL PROBLEM Found as: ANIMAL PROBLEM
Domestic Abuse: No

Dispatcher Remarks:

MR LYNCH FROM ABOVE (REDACTED) REPORTING HE WAS BITTEN BY 2 DOGS OWNED BY A
NEIGHBOR YERSTERDAY. OFC CAMPBELL RESPONDED. INFO FORWARDED TO D/O

VICTIM LYNCH, DANIEL License: None
(Male) 58 MAPLE ST
M0300710 ACTON MA 01720
Phone: 978-(REDACTED) DOB: None Recorded
Commt: BITTEN BY DOGS FROM 62 MAPLE ST

PROP-OWNR SULLO, GERARD S License: (REDACTED) (MA)
(Male) 62 MAPLE ST SSN: (REDACTED)
M8903671 ACTON MA 01720
Phone: 978-(REDACTED) Race: WHI DOB: (REDACTED) Age: (REDACTED)
Commt: OWNER OF DOGS THAT BIT PEDESTRIAN

Narrative(s):

Narr. 1: PTL. KEITH CAMPBELL Division: None Status: Open [I0404695]
Title: INCIDENT REPORT Entered: PTL. KEITH CAMPBELL
Reviewed: No officer

ON THE ABOVE DATE AND TIME I RESPONDED TO 58 MAPLE ST FOR A REPORT OF A
PAST DOG BITE. I SPOKE WITH DAN LYNCH WHO REPORTED THAT WHEN HE WAS WALKING IN
FRONT OF 62 MAPLE ST, TWO GERMAN SHEPHERD DOGS CHARGED AT HIM IN AN AGGRESSIVE
MANNER. LYNCH SAID ON OF THE DOGS JUMPED AND BIT HIM ON THE RIGHT ARM. THE BITE
WAS THROUGH CLOTHING AND DID NOT BREAK LYNCH'S SKIN. LYNCH SAID THAT EVENTUALLY
HIS NEIGHBOR AND OWNER OF THE DOGS, GERARD SULLO, CALLED THE DOGS BACK TO HIS
SIDE. I ATTEMPTED TO SPEAK TO SULLO BUT HE WAS NOT HOME AT THE TIME.

I RETURNED TO THE STATION AND CONTACTED OUR DEPARTMENT DOG OFFICER, TAC
PALMER. PALMER WILL FOLLOW UP WITH THE DOG'S OWNER.

**Acton Police Department
Incident Report**

October 12, 2005

Wednesday 11:00

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
I0515354 9 No No	CALL FOR SERVICE 71 MAPLE ST Cross: STOW ST @24 ACTON, MA, 01720 (01) REPORT	COGAN P MCCARTHY ABRAMOWITZ	10/01/2005, 23:06 10/01/2005, 23:06 10/01/2005, 23:09 10/01/2005, 23:36	STACKHOUSE GREY VIOLENT DOGS ANIMAL PROBLEM CT: STACKHOUSE

Reported as: ANIMAL PROBLEM Found as: ANIMAL PROBLEM
Domestic Abuse: No

Dispatcher Remarks:

MULTIPLE 911 CALLS REPORTING 2 VERY AGGRESSIVE GERMAN SHEPARDS IN THE ABOVE AREA. 12PC/98SM/68GA/DOG OFC RESPONDED SEE REPORT.

REPORTER SHANLEY, HARRY T License: [REDACTED] (MA)
(Male) 71 MAPLE ST SSN: [REDACTED]
M8621296 ACTON MA 01720
Phone: 978-[REDACTED] Race: U DOB: [REDACTED] Age: [REDACTED]
Commt: RPD AGRRESSIVE DOGS

REPORTER CHEN, STEPHEN License: [REDACTED] (MA)
(Male) 61 MAPLE ST
M0303722 ACTON MA 01720
Phone: 978-[REDACTED] DOB: [REDACTED] Age: [REDACTED]
Commt: REPORTED AGRRESSIVE DOGS.

REPORTER BUCKINGHAM, BUCK License: None
(Male) 65 MAPLE ST
M0200532 ACTON MA 01720
Phone: 978-[REDACTED] Race: U DOB: None Recorded
Commt: REPORTED AGRRESSIVE DOGS.

OTHER PALMER, TAC License: None
(Male) 352 GREAT RD
M9201446 ACTON MA 01720
Phone: 263-4979 Race: W DOB: None Recorded
Commt: DOG OFFICER RESPONDED TO ASSIST.

PROP-OWNR SULLO, GERARD S License: [REDACTED] (MA)
(Male) 62 MAPLE ST SSN: [REDACTED]
M8903671 ACTON MA 01720
Phone: 978-[REDACTED] Race: WHI DOB: [REDACTED] Age: [REDACTED]
Commt: OWNER OF THE DOGS.

**Acton Police Department
Incident Report**

October 12, 2005

Wednesday 11:00

Single Incident

INCIDENT LOCAL #	ACTIVITY ADDRESS (JURISDICTION)		RECEIVED DISPATCHED	DISPATCHER SUPERVISOR
PRIORITY	DISPOSITION	OFFICER(S)	ARRIVED	NATURE
ACC REP			CLEARED	INCIDENT TYPE

Narrative(s):

Narr. 1: PTL. STEPHEN MCCARTHY Division: None Status: Open [I0515354]
 Title: INCIDENT REPORT Entered: PTL. STEPHEN MCCARTHY
 Reviewed: No officer

On October 1, 2005, I was working the 11-7 a.m. shift in marked cruiser #29. At approximately 11:06 myself and officer Abramowitz respond to the area of 71 Maple St. for a report of two German Shepards being very aggressive to a resident of Maple St. who had called 911.

Upon arrival I observed two large German Shepards had a man cornered near his house, I later identified the man as Buck Buckingham. At this time the two dogs took off across the street to there residence but continued to circle around myself and officer Abramowitz. At this time the dog officer was called to assist myself and officer Abramowitz. The two dog's continued to be very aggressive and eventually returned to the back yard. Buck stated that the dog's live across the street at 62 Maple St., and belong to Gerard Sullo who was not home.

I spoke to several of the home owners of Maple St. they were Stephen Chen, Buck Buckingham, and Harry Shanley. Harry stated that he was the person who called 911, Harry said that he was exiting his basement and both of the dog's began to bark at him and tried to corner him and all he could to was run into his car. Buck stated that these two dog's do this type of thing all of the time and that he is very concerned about the situation because he has a young son who is extremely afraid of dog's. Stephen stated that he has been nipped once by the dog and had the back of his pants ripped by the dog last year but was reluctant to call the police on his neighbor. All three home owners stated that they wanted this problem with the two dog's resolved.

Tac Palmer arrived, and checked the property and found that the back door of Gerard's home to be open and the dog's were in the house. Officer Abramowitz secured the door so the dog's would not get out again. Tack stated that he has had problems with these dog's several times and would find out what he could do about the problem.

Ptl. Stephen McCarthy

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Narr. 2: PTL. GARDE ABRAMOWITZ Division: None Status: Open [I0515354]
 Title: SUP. REPORT Entered: PTL. GARDE ABRAMOWITZ
 Reviewed: No officer

WHILE ON PATROL ON 10-01-05 THIS OFFICER AS WELL AS OFFICERS P. COGAN AND OFFICER MCCARTHY WERE DISPATCHED TO THE AREA OF MAPLE STREET FOR AGGRESSIVE DOGS. A NUMBER OF 911 CALLS WERE RECEIVED THAT THE DOGS WERE GOING AFTER PEOPLE IN THE NEIGHBORHOOD. THE DOGS WERE DESCRIBED AS TWO

Acton Police Department
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Narrative 2 (continued) By: PTL. GARDE ABRAMOWITZ Incident I0515354

LARGE GERMAN SHEPARDS. UPON ARRIVAL I OBSERVED SEVERAL PEOPLE STANDING IN THE AREA, OF 61 MAPLE STREET. I ALSO OBSERVED TWO GERMAN SHEPARDS RUNNING AND BARKING AT THE RESIDENTS AND OFFICERS. WE INSTRUCTED THE RESIDENTS TO GO INSIDE THEIR HOMES, FOR SAFETY. THE DOGS WERE GROWLING AND BARKING AND CHARGING AT THE OTHER OFFICERS AND MYSELF. OFFICER COGAN WENT AROUND THE BACK OF THE HOME IN HIS CRUISER TO LOOK FOR THE OWNER.

THIS OFFICER TRIED TO GET OUT OF MY CRUISER TO SPEAK WITH A RESIDENT COMING OUT OF THEIR HOUSE, FROM ACROSS THE STREET. ONE OF THE SHEPARDS RAN AT ME WITH HER HEAD DOWN AND SNAPPING HER TEETH TO BITE ME. THAT DOG WAS SPRAYED WITH MY ISSUED OC SPRAY, THAT DETERRED THE DOG. TAC PALMER WAS CALLED AND HE RESPONDED TO THE RESIDENCE OF GERALD SULLO, 62 MAPLE ST. TAC STATED TO THIS OFFICER THAT HE HAS QUARANTINED THESE DOGS ON AT LEAST TWO OCCASIONS FOR BITING IN THE PAST. OTHER RESIDENTS STATED THEY HAD BEEN CHASED, SNAPPED AT OR BITTEN BUT DID NOT REPORT IT BECAUSE THEY ARE NEIGHBORS. TAC EXPRESSED TO THIS OFFICER THAT THESE DOGS ARE VERY AGGRESSIVE AND JUST A \$25.00 FINE TO THE DOGS OWNER WILL NOT STOP THE DOGS. THE SMALL FINE DOES NOT SEEM TO CURB THE OWNERS DISREGARD AND NEGLECT FOR THE PUBLICS SAFETY.

MYSELF AND TAC PALMA WENT INTO THE BACK YARD TO GET THE DOGS. THE GOT BACK INTO THE HOME THROUGH THE BACK SLIDERS. I SECURED THE SLIDERS, TO KEEP THE DOGS IN THE HOME. I LEFT A BUSINESS CARD ON THE DOOR TO HAVE THE OWNER CALL THE STATION.

PTL. GARDENA ABRAMOWITZ
ACTON POLICE